

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
New York Division**

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DUNKIN' DONUTS FRANCHISED	:
RESTAURANTS LLC,	:
a Delaware Limited Liability Company,	:
	:
DD IP HOLDER LLC,	:
a Delaware Limited Liability Company,	:
	:
Plaintiffs,	:
	:
v.	:
	:
AKCL INT'L GROUP, LTD.,	:
a New York Corporation,	:
	:
Defendant.	:
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C.A. No. 07-CV-3699 (HB)

**PLAINTIFF DUNKIN' DONUTS FRANCHISED
RESTAURANTS LLC'S MOTION FOR A PRELIMINARY INJUNCTION**

Plaintiff Dunkin' Donuts Franchised Restaurants LLC ("Dunkin'" or "Dunkin' Donuts") hereby moves to enjoin its franchisee, Defendant AKCL Int'l Group, Ltd. to cease violating at its Dunkin' Donuts shop the standards for health, sanitation, and safety set forth in Defendant's Franchise Agreement with Dunkin' and Dunkin's operating manuals. At present, Defendant is in flagrant violation of those standards. For example, a recent inspection of Defendant's shop revealed numerous violations of health and safety standards, including rodent droppings found on the premises, expired food products, damaged refrigerator gaskets and uncleaned and poorly maintained premises. Despite requests by Dunkin' and ample opportunity to cure, Defendant refuses to correct this unacceptable situation. This is an action to effect an immediate cure of specific conditions currently posing a health or safety risk at Defendant's shop. These conditions are a material breach of the Franchise Agreement as well. Dunkin' does not seek an

order mandating future compliance, but only the cessation of an existing condition.

1. Defendant is Dunkin' Donuts franchisee for a doughnut shop located at 215 First Avenue, New York, New York 10003 ("Defendant's Shop") pursuant to a Franchise Agreement dated March 10, 2004.

2. A Steritech Group, Inc. ("Steritech") representative, a third-party hired by Dunkin' Donuts to conduct food safety inspections, recently inspected Defendant's Shop and found numerous violations of health, sanitation, and safety standards. Despite notice by Dunkin' and ample opportunity to cure, Defendant has failed to correct this situation.

3. By this Motion, Dunkin' seeks to enjoin Defendant to cease violating at Defendant's Shop the standards for health, sanitation, and safety set forth in the Franchise Agreement between the parties and Dunkin's operating manuals.

4. In support of this Motion, Dunkin' relies on the accompanying Memorandum of Law, certifications, and exhibits.

WHEREFORE, Plaintiff Dunkin' Donuts respectfully requests that the Court grant its motion for a preliminary injunction and enjoin Defendant to cease violating at Defendant's Shop Dunkin's standards for health, sanitation, and safety as identified on the Quality Assurance Food Safety & Sanitation Inspection form dated April 25, 2007 within five (5) days of the date of the Court's Order.

Respectfully submitted,

/s/ Ronald D. Degen

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Attorneys for Plaintiffs

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DD IP Holder LLC

Dated: May 14, 2007